

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SIMON GOGOLACK,

Defendant.

23-CR-99-LJV-JJM

NOTICE OF MOTION

MOTION BY:

John J. Morrissey, Assistant Federal Public
Defender

DATE, TIME & PLACE:

Before the Honorable Jeremiah J. McCarthy, United
States Magistrate Judge, Robert H. Jackson United
States Courthouse, 2 Niagara Square, Buffalo, New
York, **on the submitted papers.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
John J. Morrissey, dated April 16, 2025.

RELIEF REQUESTED:

Adjournment of the scheduling order in Dkt. 387

DATED:

Buffalo, New York, April 16, 2025.

Respectfully submitted,

/s/ John J. Morrissey

John J. Morrissey
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Federal Public Defender's Office
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John_Morrissey@fd.org
Counsel for Defendant

TO: Casey Chalbeck
Assistant United States Attorney
Western District of New York
138 Delaware Avenue, Federal Centre
Buffalo, New York 14202

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v.

AFFIRMATION

SIMON GOGOLACK,

Defendant.

JOHN J. MORRISSEY, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and was assigned to represent the above-named defendant, Simon Gogolack.

2. Mr. Gogolack had previously filed a motion requesting that he be housed within the Western District of New York. *See* Dkt. 373. Following oral argument, the Court had ordered the United States Marshalls Service to submit a declaration and scheduled further argument. Dkt. 379. The Court also encouraged the parties to attempt to resolve the issue. *Id.*

3. The deadline for the USMS to submit a declaration is April 16, 2025, and oral argument is currently scheduled for April 17, 2025, at 10:00 AM. Dkt. 387.

4. The parties are still working on resolving the issue raised in Dkt. 373. Rather than spend time and energy litigating an issue that may be resolved without need for further intervention of the Court, the parties request that the Court adjourn the deadlines and oral argument in Dkt. 387. The parties will then be in a better position to say whether the issue is resolved or if further argument would be appropriate.

5. The government, through Assistant United States Attorney Casey Chalbeck, does not oppose this request.

WHEREFORE, counsel requests that the Court adjourn the deadlines and oral argument described in Dkt. 387.

DATED: Buffalo, New York, April 16, 2025.

Respectfully submitted,

/s/ John J. Morrissey

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